

Interview Summary	Application No. 10/696,152	Applicant(s) BROGHAMMER ET AL.	
	Examiner Erica E. Cadugan	Art Unit 3722	

All participants (applicant, applicant's representative, PTO personnel):

(1) Erica E. Cadugan. (3)_____.

(2) Jay Durst. (4)_____.

Date of Interview: 6/20/06, 7/13/06.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: especially claim 1.

Identification of prior art discussed: U.S. Pat. No. 6270295 to Hyatt et al., also U.S. Pat. No. 4,224,846 (see attached).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

In response to the after-final amendment filed June 16, 2006, Examiner proposed the attached Examiner's Amendment (labeled "attachment A") on June 20, 2006 to try to put the case in condition for allowance. On July 10, 2006, Applicant indicated that they did not want to accept that proposal.

Additionally, in response to the Examiner's comments (see the pages labeled "page 3" and "page 4" of the proposed Examiner's Amendment of 6/20/06) attached to the proposed Examiner's Amendment, Applicant submitted the attached Figures to the Examiner (labeled "attachment B") to try to illustrate their position that the Hyatt reference did not teach their claimed invention. Additionally, in a conversation with Mr. Durst on July 12, 2006, Mr. Durst indicated the Applicant's position that "the Hyatt et al. reference seems to teach away from using a 'pressure chamber' to actuate the cutter by making the plugs 346, 846 optional (p. 32 of the Hyatt et al. PCT publication re Figs. 5 and 6)". (Examiner notes that the referred to PCT is presumably the cited PCT, which has a Figure 5 and 6 that are identical to the Figures 5 and 6 shown in the '295 U.S. Hyatt patent that was relied upon in the rejection).

Examiner indicated that this argument was not persuasive. Firstly, it is noted that Hyatt doesn't "teach away" from using the plugs because to teach away from using the plugs, Hyatt would have to teach that using the plugs is a bad or undesirable thing to do, and Hyatt doesn't do that. In other words, the fact that Hyatt teaches that the cutter can function without the plugs does not negate the fact that Hyatt also teaches using them. Additionally, regardless of the presence or absence of such plugs, Examiner reiterated that, whether or not Applicant and Examiner agree on whether the Figure 5-6 embodiment teaches a "pressure chamber" (noting that Applicant and Examiner do not agree on this point), at the very least, with respect to the Figure 12 embodiment described by the Examiner at the end of the proposed Examiner's Amendment of June 20, 2006, Hyatt explicitly calls the chamber a "pressure chamber", and thus, for *at least* this reason, the claim language that calls for a "pressure chamber" does not serve to distinguish the present invention from the Hyatt reference.

Applicant and Examiner then agreed on an Examiner's Amendment to put the case in condition for allowance that indicates that the support wall "bulges" elastically (see Examiner's Amendment).

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	3064
CONNECTION TEL	
SUBADDRESS	
CONNECTION ID	
ST. TIME	06/20 13:38
USAGE T	01'35
PGS. SENT	4
RESULT	OK

ATTACHMENT "A" to Interview Summary



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Fax Cover Sheet

Date: 20 Jun 2006

To: Mr. Jay Durst	From: Erica E. Cadogan
Application/Control Number: 10/696,152	Art Unit: 3722
Fax No.: 414-225-9753	Phone No.: (571) 272-4474
Voice No.: 414-225-9755	Return Fax No.: (571) 273-8300
Re: dkt no. 696.022	CC:
<input checked="" type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> For Comment <input checked="" type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request	

Comments:
Proposed Examiner's Amendment.

Number of pages 4 **including this page**

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Part of
ATTACHMENT "A" to Interview Summary

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**Proposed
EXAMINER'S AMENDMENT**

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on ***, *** requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 50-1170 the required fee of \$120.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

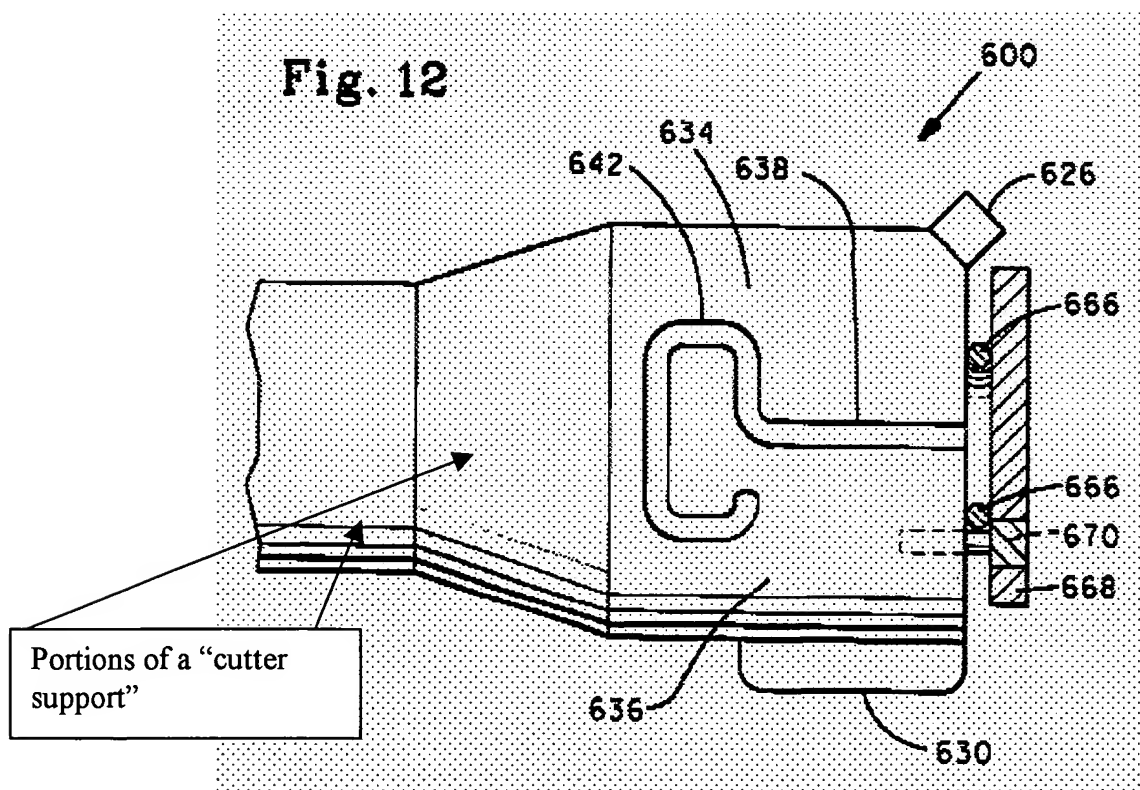
Claim 1 (Currently Amended). An adjustment device for adjusting the position of at least one cutter of a fine machining tool with respect to a cutter support, the cutter support having a longitudinal axis, the adjustment device comprising:

the cutter support bordering at least one enclosed substantially ring-shaped pressure chamber which substantially surrounds the longitudinal axis of the cutter support and which is arranged in an adjustment direction of the at least one cutter with a displacement with respect to the at least one cutter and which is filled with a pressure transfer means which can be placed under pressure with a pressure generation device, wherein

between the at least one cutter and the at least one pressure chamber a cutter support wall remains which is elastically deformable upon application of pressure by the pressure transfer means to adjust the position.

NOTE: Examiner would be willing to substitute either of “toroidal” or “annular” for “ring-shaped” if desired.

While Examiner notes that Applicant’s position is that the applied Hyatt reference doesn’t teach an “enclosed” pressure chamber, whether or not Examiner agrees that the embodiment shown in Figure 5 shows an “enclosed” pressure chamber, Examiner notes that Hyatt explicitly uses the term “pressure chamber” to describe the chamber within the tool 600 used in “selectively biasing the blade 626...” (Figure 12, col. 11, lines 35-49), and it is further noted that the described “pressure chamber” is fully enclosed via the seal 666 and the end cap 668 (see Figure 12 and col. 12, lines 35-49, for example).



Note that 626 constitutes the claimed “cutter”. The longitudinal axis of the “cutter support” shown above extends in the horizontal direction (horizontal is as viewed in Figure 12).

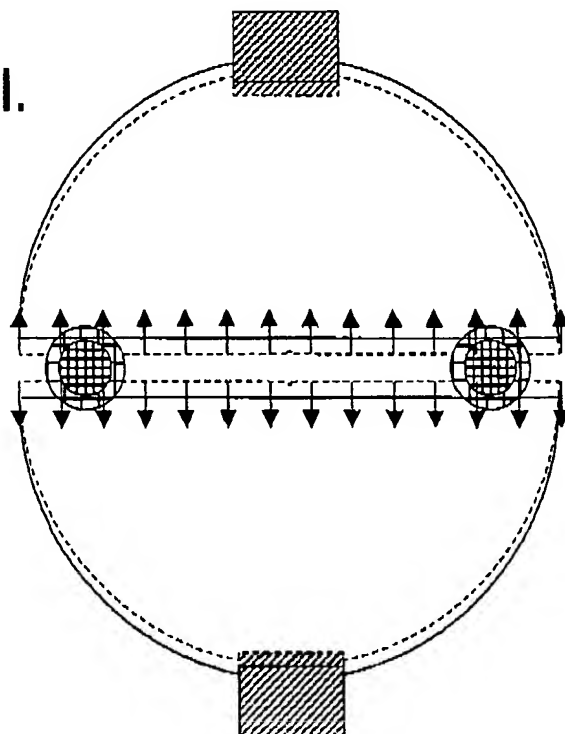
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Note also that the described "pressure chamber" (which includes at least 638 and the area within the seal 666 between the end cap 668 and the end of the portions 634 and 636) is radially spaced (i.e., is spaced in the radial adjustment direction) from the cutter 626 (see Figure 12). Also note that "wall" 634 flexes or "elastically deforms" in order to selectively bias the cutter blade radially outwardly when the pressure chamber is utilized (see col. 11, lines 35-49, for example, also Figure 12).

Additionally/
(Alternatively view US 4224846 as described
in detail in the interview summary m. 6/14/06.)

ATTACHMENT "B" TO INTERVIEW SUMMARY

Hyatt et al.



Present Invention

